



**MINUTES OF THE SPECIAL JOINT MEETING  
OF THE CITY COUNCIL/REDEVELOPMENT  
AGENCY OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, March 14, 2000, 8:00 p.m.

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**MEETING**

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Girl Scout Troops Nos. 2757 and 2173.

Mayor Cooper presented the Recognition of Girl Scouts of America at this time.

**PROCLAMATION:** Recognition of Girls Scouts of America

Girl Scouts of America works to inspire girls with the highest ideals of character, conduct, patriotism and service that they may become happy and resourceful citizens. Established in 1912, Girl Scouts of the U.S.A. has over one million active members making it the largest organization of its kind in the world. Girl scouting offers informational and educational programs exclusively for girls ages 5 through 17. The San Francisco-Bay Council is the fifth largest in the U.S.A.

Mayor Cooper congratulated her colleagues on winning their election. She said this vindicated the work of the Council.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: None

**PROCLAMATION:** Census 2000 Awareness Month

The Census is vital to our community in that it determines the apportionment of seats in the United States House of Representatives and our state's legislature, and is the basis for the allocation of billions of dollars in Federal, State, and County funds for social and other programs. The Census is also used to help determine where to locate schools, day care centers, senior citizen centers, hospitals and other facilities, and is used to make decisions concerning business growth and jobs. The Mayor presented the proclamation to City Public Information Officer Gail Lundholm.

**PRESENTATION:** Bay Area Seals Soccer Team

The Mayor welcomed the Bay Area Seals, a professional soccer team, to their new home in Hayward at Pioneer Stadium on the California State University campus. The owner, Steve Peacock, moved the team to Hayward because the East Bay is the center of the soccer world in Northern California, with over 100,000 households. Mr. Gray Lennox accepted the presentation

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and announced the first home game on April 21. He then presented each Council Member with a Seals cap and a schedule of upcoming games.

### Business Recognition Award

The Business Recognition Award for the month of March was presented to Kosan Biosciences, Inc., located at 3832 Bay Center Place. Kosan Biosciences is a privately held biotech company that develops and improves the efficiency of drugs such as antibiotics, anti-cancer agents and cholesterol-lowering agents. In February 1998, Kosan Biosciences moved to Hayward because of our central location and affordable properties. They are planning to increase the number of employees to over 200.

### CONSENT

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of February 22, 2000

It was moved by Council/RA Jimenez Member, seconded by Council/RA Member Henson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of February 22, 2000.

2. Resignation of William E. Crosby from the Economic Development Committee

Staff report submitted by City Clerk Reyes, dated March 14, 2000, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 00-027, "Resolution Accepting Written Resignation of William E. Crosby as a Member of the Economic Development Committee of the City of Hayward"

3. Resolution Authorizing the City Manager to Execute an Agreement with the Bay Area Blues Society to Produce the Hayward Blues Festival

Staff report submitted by Assistant City Manager Anderson, dated March 14, 2000, was filed.

Council Member Jimenez asked whether there was a hold-harmless clause in the agreement for protection of the City. He was told, there was.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

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Resolution 00-032, "Resolution Authorizing the City Manager to Execute an Agreement with the Bay Area Blues Society"

4. Resolution Authorizing the Addition of Three School Resource Officer Positions

Staff report submitted by Investigations Division Captain Manuel Silva, dated March 14, 2000, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 00-028, "Resolution Amending Resolution No. 99-117, the Position and Salaries Resolution, Relating to Position Changes in the Police Department"

Resolution 00-029, "Resolution Amending Resolution 99-108, as Amended, the Budget Resolution for Fiscal Year 1999-2000, Relating to a Supplemental Appropriation of Funds for School Resource Officers"

5. Transportation Development Act (TDA) Article 3 Funds: Wheelchair Ramps, Authorization to File Application

Staff report submitted by Deputy Director of Public Works Bauman, dated March 14, 2000, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 00-030, "Resolution Authorizing the City Manager to Submit a Grant Application for Funds to Construct Wheelchair Ramps for Fiscal Year 2000-2001"

6. Final Tract Map 7109 - Signature Properties (Subdivider) - Approve the Final Map for Project Known as "Bailey Ranch," and Authorize the City Manager to Execute a Subdivision Agreement and Accept, Upon Completion of Improvements, Certain Streets into the City Street System

Staff report submitted by Planning Director Anderly, dated March 14, 2000, was filed.

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It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 00-031, "Resolution Approving Final Map for Tract 7109, Authorizing the City Manager to Execute a Subdivision Agreement, and Accepting Certain Streets into the City Street System"

## HEARINGS

### 7. Adoption of Resolution of Necessity to Initiate Eminent Domain Proceedings to Acquire Fee Title to Prince Street Alley

Staff report submitted by Redevelopment Director Bartlett, for March 14, 2000, was filed.

Redevelopment Director Bartlett made the staff report indicating that the street has been owned by the Smalley-Russell families. Staff is still trying to locate the owners. Due to the City right-of-way, it is valued at only \$100.

Council Member Ward asked the City Attorney whether the attempt to contact the owners was considered sufficient to protect the City from future liability.

City Attorney O'Toole responded that it was.

Council Member Henson asked whether the value is determined through an appraisal.

Redevelopment Director Bartlett responded that, yes it was, though it was influenced by the right-of-way.

Council Member Jimenez gave a brief history of the street and the area. He mentioned that the Principies were related to the owner of the Palace Card Club on Mission Blvd.

Mayor/Chair Cooper opened and closed the public hearing at 8:36 p.m.

It was moved by Council/RA Member Henson, seconded by Council/RA Member Ward, and unanimously carried by all present, to approve the following:

RA Resolution 00-07, "Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Known as Prince Street in Furtherance of the Downtown Hayward Redevelopment Plan"



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8. Adoption of Resolution of Necessity to Initiate Eminent Domain Proceedings to Acquire Property Located at 22589 Watkins, and 770 and 780 "B" Street

Staff report submitted by Redevelopment Director Bartlett, dated March 14, 2000, was filed.

Redevelopment Director Bartlett made her report. She indicated that Albertson's has tried to acquire the property. The Agency has tried to mediate the settlement. They requested a resolution of necessity. Tenants include Greyhound, and others.

Council Member Ward asked about the reimbursement including staff time and attorney's fees.

Redevelopment Director Bartlett responded that Albertson's has already reimbursed the City.

Mayor/Chair Cooper opened the public hearing at 8:42 p.m.

Frank Goulart, 22224 Prospect Street said he was bothered that eminent domain was being used for big business and not for the people. He said he just objects to the law.

Mayor/Chair Cooper responded that the Redevelopment Agency is formed to help turn the blight around. As a result, quite frequently eminent domain needs to be implemented.

Mayor/Chair Cooper closed the public hearing at 8:44 p.m.

Council Member Henson asked whether the owner was invited to make a proposal for the property. Redevelopment Director Bartlett responded that they were but nothing came forward.

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and unanimously carried by all present, to approve the following:

RA Resolution 00-08, "Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Located at 22589 Watkins Street, 770 "B" Street, 780 "B" Street and an Appurtenant Easement in Furtherance of the Downtown Hayward Redevelopment Plan"

**LEGISLATIVE BUSINESS**

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9. Review of Use Permit Application No. 96-160-17 – Mission Paradise Bar and Grill and Banquet Hall, Shahpur and Gulalai Rahimi (Applicants), Toro Development Company (Owners) - Located at 31113 & 31115 Mission Boulevard in the Fairway Park Shopping Center, Zoned Neighborhood Commercial

Staff report submitted by Planning Manager Anderly, dated March 14, 2000, was filed.

Planning Manager Anderly provided a review of the Use Permit and indicated that it was informational only. In 1996, a use permit was granted for hard liquor. They acquired the bar next door. Police calls came from the premises itself. The Planning Commission was given the impression that dining facilities were planned and the business intended to function as a bar/grill. At this point there has been no emphasis on food service. She reported that just recently, they closed the bar area, cut it in half and intend to reopen and serve American/Afghan food.

Council Member Hilson asked about the letters that were received by Members which indicate that there is no restaurant, but only a bar.

Planning Manager Anderly commented that during a staff visit, they were able to order food, but it was difficult. The operation was not set up for dining.

Council Member Hilson asked whether the conditions set by the City for the Use Permit required food service at the bar.

Planning Manager Anderly indicated that they did not. She added that she was sure that the Commission believed that to be the intent when they granted the permit for liquor.

Council Member Dowling asked the owners about the letters regarding the bar and what future plans they may have.

The response was that they would be opening a restaurant. The bar would be available only for table service. They were hoping to reopen at the end of March.

Council Member Dowling said his recollection as a member of the Planning Commission was that the applicant was planning to use the bar to function only as an auxillary to the banquet facilities.

The owner responded that the plan is, if there is no banquet scheduled, there will be no bar service.

Council Member Henson added his recollection that many of the problems and police calls were with previous owner.

Planning Manager Anderly agreed that it was the previous owners who had difficulties. The present owners have had a considerable decrease in the number of police calls.

Council Member Ward asked again when the renovated facility would reopen.



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The owner indicated by end of this month.

Council Member Ward suggested that Council take no action until the applicant has reopened and improvements have been made.

Council Member Jimenez asked about the applicants' willingness to comply with conditions of approval. Staff and Planning Commission feel this could be a viable business.

Planning Manager Anderly replied that both staff and the Planning Commission believe this could be a viable business.

Council Member Hilson added that he had a memory of the discussion of food service and wanted assurance that the food service would be available. He said he wanted to assure the neighbors that the City is aware of their concerns.

City Manager Armas indicated that there is very little information readily available on the history of the application since most of the tapes would have been destroyed. Staff has to rely on the minutes for an answer.

Council Member Hilson said this is simply a report and not a vehicle to change anything. What would be required to get the applicant to have food service at the bar?

City Manager O'Toole suggested that Council simply accept the report. If further information is needed staff can be requested to report back and/or add a condition for food service.

Mayor/Chair Cooper opened/closed the public hearing at 9:00 p.m.

Council Member Ward **moved**, seconded by Council Member Rodriguez, to postpone further action until four weeks from now.

After considerable discussion regarding the time necessary to allow the applicant to initiate service and for staff to review the facility and prepare a report, Council Member Ward amended the motion.

Council Member Ward **moved**, seconded by Council Member Rodriguez, to ask staff to review the subject property for compliance with the implied intention of the conditions for use as a restaurant/bar facility of serving food with alcohol on the premises. The item was continued to a future date to be determined by staff in conjunction with the applicant.

Mayor Cooper then complimented the applicant on the beautiful banquets and events they do.

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## **PUBLIC COMMENTS**

Jason Moreno, 25200 Carlos Bee Boulevard, thanked everyone who voted, but particularly those who voted for the challengers. He added that they would continue to criticize the Council and inform the public in order to make changes.

Francisco Abrantes, 22815 Alice Street, commented on the number of votes he received and the cost per vote in comparison with the incumbants.

Frank Goulart, 22224 Prospect Street, also thanked everyone for voting and congratulated each of the winners. This is the way democracy works, he said.

Lyndley Ferchel, 804 Pinedale Court, described the problems on his street as a result of the construction of the Hampton Inn construction.

Mayor Cooper told him staff would contact him in order to help with all of his problems. Council Member Dowling asked that staff report back on the results of their findings and any solutions which were enacted.

Council Member Hilson asked whether the Council would have a role in solving sidewalk damage when it has been done by an identified third party.

John Neath, 681 Longwood Avenue, referred to an article in the Daily Review which indicated that the City is asking the District Attorney to look at fraud by two former candidates. He criticized the City and defended the two men saying they were well intentioned. He argued that it was sent only to the people who signed the petition against Home Depot.

Sheila Jung, 22741 Souza Court #4, asked about the previous Council consideration on moving public comments back to the beginning of the meeting.

## **COUNCIL REPORTS**

Since members had just returned from a conference for the League of California Cities, Mayor Cooper suggested they save their reports until next week.

## **ADJOURNMENT**

Mayor Cooper asked Council Member Rodriguez to adjourn the meeting at 9:27 p.m., in memory of two recently deceased long-time Hayward residents, Emma Bennett, mother of Planning Commissioner Linda Bennett and Joan Frumpkin, mother of Paul Frumpkin III, who works in Supervisor Steel's office.





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APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

ATTEST:

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Connie Macias, Deputy City Clerk, City of Hayward  
Acting Secretary, Redevelopment Agency

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